IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.K.MOHANAN

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

Crl.MC.No. 3342 of 2005(C)

---

(CRIME NO.311/2005 OF MALA POLICE STATION
PNDING BEFORE THE JFCM COURT, CHALAKKUDY)

PETITIONER: ACCUSED 2, 3 AND 4.

---

1. PAUL, S/O.THOMAS, POTTEPPARAMBIL,
   SOUTH THANISSERY, KUZHUR P.O. THRISSUR DISTRICT.

2. MATHEW, S/O.THOMAS, POTTEPPARAMBIL,
   SOUTH THANISSERY, KUZHUR P.O. THRISSUR DISTRICT.

3. MA.A.JOJO, S/O.AUGUASTINE,
   MALIYAKKAL HOUSE, KUNDOOR, THRISSUR DISTRICT.

BY ADV. SRI.SAIBY JOSE KIDANGOOR

RESPONDENTS:

---

1. STATE OF KERALA, REPRESENTED BY THE
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

2. THE SUB INSPECTOR,
   MALA POLICE STATION.

ADDL.R3: KUZHMA GRAMA PANCHAYATH REP. BY ITS
SECRETARY, KUZHMA, TRICHUR.

(ADDL.R3 IMPLEADED AS PER ORDER DATED 23-11-2006
IN CRL.M.A. 5197/2006)

R1 & R2 BY PUBLIC PROSECUTOR SRI C.M.KAMMAPPU.
R3 BY AD. SRI P.K. SAJEEV &
SRI.N.J.PRINCE

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 14/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.M.A.NO.12691/2005 IN CRL.M.C. 3342/2005
DISMISSED.

14-9-2007. SD/- V.K.MOHANAN, JUDGE.

//TRUE COPY//

**V.K.MOHANAN, J.**

---

**CRL.M.C.NO. 3342 OF 2005**

---

**Dated 14th September, 2007**

**ORDER**

Petitioners are the accused in crime No.311/2005 of Mala police station for the offence punishable under section 3(i) of PDPP Act read with section 34 of IPC. Learned counsel for the petitioners submitted that the crime was registered at the instance of the additional 3rd respondent but they are not pressing now for further action in the matter. Therefore, it is prayed that all further proceedings in the above crime may be quashed.

2. I have heard the counsel for the petitioners; the learned Public Prosecutor and also the counsel appearing for the additional 3rd respondent.

3. Crime No.311/2005 is registered by the 2nd respondent on the allegation that the petitioners have obstructed and created problems against the natural flow of water through a drainage on the side of a public road and annexure A is the FIR which was registered on the basis of the written complaint lodged by the additional 3rd respondent. The Counsel for the petitioner submitted that the Panchayath committee has decided to withdraw the petition as the

matter is settled amicably and they do not want to further proceed with the criminal case. Annexure B is the resolution adopted by the additional 3rd respondent Panchayath by which it is clear that the additional 3rd respondent has requested the 2nd respondent to stop all further proceedings in pursuance of the registration of the above crime. The additional 3rd respondent has filed an affidavit dated 8-1-2007 stating the reasons on the basis of which the Panchayat has decided to resolve to withdraw the petition. In paragraph 3 of the said affidavit it is stated that the matter was settled between the parties and as per the resolution No.18(4) dated 8-6-2005, the Panchayath has decided to withdraw the complaint.

4. On going by the materials available on record, it appears that the above criminal case arises out of a dispute with respect to the flow of water which involved public interest and the Panchayath, being the authority concerned and primarily vested with the safeguard of the interest of the general public, has decided to withdraw the petition as the matter has been settled between the parties. As such no grievance is remained to be settled. In the above circumstances, it appears to me that for

the ends of justice it is only proper to allow the Crl.M.C. and to quash annexure A and D proceedings. In the result, all the proceedings based upon annexure A and D are quashed. Accordingly, the Crl.M.C. is allowed.

V.K.MOHANAN, JUDGE.

Kvm/-

V.K.MOHANAN, J.

No....

Judgment/Order

Dated: